

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, MAY 1, 2003**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Joan M. DuBois, Dranesville District
John B. Kelso, Lee District
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
Ronald W. Koch, Sully District

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The meeting was called to order at 8:20 p.m. by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner DuBois MOVED THAT THE PUBLIC HEARING ON SE-2002-DR-036, DALEVIEW NURSERY AND MAISON ET JARDIN, BE DEFERRED TO A DATE CERTAIN OF JUNE 18, 2003.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hall, Harsel and Koch absent from the meeting.

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Commissioner Alcorn MOVED THAT THE DECISION ONLY ON THE ZONING ORDINANCE AMENDMENT (AFFORDABLE DWELLING UNIT PROGRAM) BE DEFERRED TO A DATE CERTAIN OF MAY 7, 2003.

Commissioner Byers seconded the motion which carried unanimously with Commissioner DuBois not present for the vote; Commissioners Hall, Harsel and Koch absent from the meeting.

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Commissioner Smyth announced that a joint Environment/Transportation Committee meeting would be held on May 7, 2003 at 7:30 p.m. in the Board Conference Room, to discuss air quality. She noted that members of the Transportation Advisory Commission and the Environmental Quality Advisory Council would also be attending this meeting.

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SUBDIVISION ORDINANCE AMENDMENTS (Illegal Lots) (Decision Only)

(The public hearing on this application was held on April 24, 2003. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Moon MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED AMENDMENTS TO CHAPTER 101, SUBDIVISION ORDINANCE, OF THE *CODE OF THE COUNTY OF FAIRFAX*, IDENTIFIED AS OPTION 1, AS SET FORTH IN THE REVISED STAFF REPORT DATED APRIL 21, 2003, TO ADD A NEW SECTION 101-1-14, WHICH WILL REPLACE EXISTING SUBDIVISION ORDINANCE SECTIONS 101-2-6, 101-2-7, 101-2-8, AND 101-2-9, AND THAT THOSE SECTIONS BE DELETED IN THEIR ENTIRETY.

Commissioner de la Fe seconded the motion which carried by a vote of 7-0-2 with Commissioners Alcorn and Byers abstaining; Commissioners Hall, Harsel and Koch absent from the meeting.

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ORDER OF THE AGENDA

In the absence of Secretary Harsel, Chairman Murphy established the following order for the agenda items:

1. SEA-93-D-018-2 - THEODORE B. SIMPSON, PRES., SPRINGHILL SERVICE, INC.
2. SE-2002-SP-025 - FAIR OAKS CHILD DEVELOPMENT CENTER, LLC
3. RZ-2002-HM-041 - RIDGE ROAD DEVELOPMENT LLC
4. ZONING ORDINANCE AMENDMENT (OUTDOOR LIGHTING STANDARDS)

This order was accepted without objection.

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SEA-93-D-018-2 - THEODORE B. SIMPSON, PRES., SPRINGHILL SERVICE, INC. - Appl. under Sects. 4-504 of the Zoning Ordinance to amend SE-93-D-018 previously approved for a service station to permit the addition of a car wash. Located at 8124 Old Dominion Dr. on approx. 38,138 sq. ft. of land zoned C-5. Tax Map 20-4 ((1)) 1 and 3. DRANESVILLE DISTRICT. PUBLIC HEARING.

Mr. Theodore Simpson, applicant, reaffirmed the affidavit dated November 30, 2003. There were no disclosures by Commission members.

Ms. Mary Ann Godfrey, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended denial of the application because it was not in harmony with the Comprehensive Plan or in conformance with applicable Zoning Ordinance provisions.

Mr. Simpson stated that he was requesting approval for the addition of a carwash to his small family-owned service station. He said the Fairfax County Department of Transportation had reviewed the application and concluded that a carwash would not create a significant impact on area roads. He noted that the discharge water would be accumulated and transported by truck weekly to a permitted county sewage discharge point. He said the carwash lighting would be projected downward, noise would be kept to a minimum, and that there would be no adverse impact on air quality. He also said the existing screening of the station would be well supplemented, mitigating the visual, noise and lighting impact of the carwash. Mr. Simpson noted that 99 out of 100 customers surveyed expressed no opposition to the proposed carwash. He said although immediate neighbors to the north were opposed to the application due to concerns about noise and air pollution, they were unwilling to meet with him to address these issues. In conclusion, he said the carwash would be well screened and would have no adverse impact on the surrounding area. He requested a favorable recommendation.

In response to a question from Commissioner DuBois, Mr. Simpson said the poll he conducted did not include addresses of the signers.

Chairman Murphy called the first listed speaker and recited rules for testimony before the Commission.

Mr. John Nugent, 1027 Northwoods Trail, McLean, on behalf of the McLean Country Estates Homeowners Association, said contrary to Mr. Simpson's allegation, he and other community members had discussed this application with him. He said he was strongly opposed to an intensification of the use of the property due to concerns about noise, light, air pollution, traffic, and disposal of the discharge water. He said the stacking lane for the carwash would be within 20 feet of the property line, adversely affecting the use of his back yard, and that no amount of fencing or shrubbery would mitigate this impact.

Responding to a question from Commissioner DuBois, Ms. Godfrey said that the stacking lane was within 20 feet of the western property line.

Ms. Beshiou Tseng, 1025 Northwoods Trail, McLean, said the stacking lane for the carwash would abut her backyard. She expressed opposition to the proposed carwash because the noise and air pollution it would generate would adversely affect her health and well being, and it would decrease the value of her property.

In response to a question from Commissioner Kelso, Ms. Tseng said that, to her knowledge, the 20 foot ingress/egress easement behind the station was not used.

Mr. Ali Gharai, owner of property at 8130 and 8146 Old Dominion Drive, McLean, said he was opposed to the addition of a carwash due to concerns about increases in noise, air pollution, lighting, and traffic.

Responding to a question from Commissioner DuBois, Mr. Gharai said he did not have a problem living in close proximity to the gas station, but that he did not want to see its use intensified.

Ms. Adrienne Whyte, 6704 West Falls Way, Falls Church, on behalf of the McLean Citizens Association (MCA), said the Association recommended denial of the application because the subject property was simply not big enough to accommodate a carwash and protect abutting landowners from negative impacts. (A copy of the MCA resolution is in the date file.)

Mr. Sunil Kapoor, 8200 Brandywine Drive, Vienna, said he was a chemical engineer and had been hired by the applicant to address the air pollution aspect of the carwash. He said testing he conducted, based on an air dispersion model, showed compliance with the Environmental Protection Agency standards for carbon monoxide emissions.

Chairman Murphy suggested that Mr. Kapoor be added to the affidavit before this case was heard by the Board of Supervisors.

Ms. Lynn Fuechsel, 1017 Northwood Trail, McLean, President, McLean Country Estates Homeowners Association, said although the representatives of the Association worked with Mr. Simpson, they could never come up with a viable solution that would provide adequate screening and mitigate the noise impact. She also said that the Association was concerned about the potential increase in traffic on Spring Hill Road and Old Dominion Drive.

Dr. M. R. Hamzpour, 8138 Old Dominion Drive, McLean, said he had recently built five houses on nearby property which would have a minimum sales price of \$1,000,000 each, and said the carwash would depreciate their value. He said he also shared the same concerns expressed by previous speakers.

Chairman Murphy commented that carwashes associated with gas stations usually did not generate additional traffic because patrons would already be on the site buying gas.

There were no further speakers; therefore, Chairman Murphy called upon Mr. Simpson for a rebuttal statement.

Mr. Simpson said it was impossible to address the issues raised by Ms. Tseng because she was unwilling to discuss them with him. He said concerns which had been addressed were still being raised, such as disposal of wastewater, even though he had explained to them that it would be

transported to a County approved discharge point. He said the convenience and benefits of a carwash overrode the concerns raised this evening.

Responding to a question from Commissioner de la Fe, Mr. Simpson said that his station had service bays, but did not perform State inspections. Commissioner de la Fe said that he did not think that a carwash would be any more objectionable than the performance of mechanical work.

There were no further comments or questions from the Commission and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner DuBois for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner DuBois MOVED THAT WE DEFER DECISION ON THIS APPLICATION AND LEAVE THE RECORD OPEN FOR WRITTEN COMMENT UNTIL A DATE CERTAIN OF MAY 21, 2003.

Commissioners Byers and de la Fe seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Hall, Harsel and Koch absent from the meeting.

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The next case was in the Springfield District; therefore, Chairman Murphy relinquished the Chair to Vice Chairman Byers.

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SE-2002-SP-025 - FAIR OAKS CHILD DEVELOPMENT CENTER, LLC - Appl. under Sect. 3-104 of the Zoning Ordinance for additional land area and to permit a child care center. Located at 12001 Lee Hwy. on approx. 2.28 ac. of land zoned R-1 and WS. Tax Map 56-1 ((7)) 7 and 56-3 ((2)) 61. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Ms. Jane Kelsey, with Kelsey and Associates, Inc., reaffirmed the affidavit dated March 4, 2003. There were no disclosures by Commission members.

Ms. Denice Thomas, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Ms. Kelsey stated that the applicant desired to increase the enrollment of a previously approved child care center from 75 to 150 children, and to expand the existing building to accommodate the increased enrollment. She explained that the expansion would be compatible with both the existing building as well as adjacent residential development. She noted that the applicant had worked closely with staff to ensure that the Fairfax Center Area guidelines had been met. She said that in response to concerns raised by residents of the adjacent Marymeade subdivision, Development Condition No. 4 required a 30 foot wide lane on the western side of the intersection at Lee Highway and Marymead Drive, pending approval by the Virginia Department of Transportation. She said at this time the Health Department had not given their final approval to the location of the septic field, although they had indicated that it could be located as planned.

Commissioner Murphy said that he would defer a decision on this application after the close of the public hearing so that Development Condition Number 4, concerning the Marymeade Drive/Route 29 entrance, and Development Condition Number 18, concerning the location of the septic field, could be finalized.

Vice Chairman Byers called the listed speaker.

Ms. Lucy Edwards, 4700 Spruce Avenue, Fairfax, said she was an adjacent property owner and had a child who was enrolled in the Fair Oaks Child Development Center. She expressed support for the proposed expansion. She said concerns about Route 29 ingress/egress could be solved by only allowing a right turn in and a right turn out.

There were no further speakers. The Commission had no comments or questions, and staff had no closing remarks, therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Murphy for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Murphy MOVED THE DECISION ON SE-2002-SP-025 BE DEFERRED TO A DATE CERTAIN OF MAY 7, 2003, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioner Wilson seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Hall, Harsel and Koch absent from the meeting.

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Chairman Murphy resumed the Chair.

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RZ-2002-HM-041 - RIDGE ROAD DEVELOPMENT LLC - Appl. to rezone from R-1 to R-3 to permit residential cluster development at a density of 2.23 dwelling units per acre (du/ac) and to permit modifications to the open space requirements pursuant to Sect. 9-612

and waiver of minimum district size pursuant to Sect. 9-610. Located on the S. side of Ridge La., approx. 300 ft. W. of its intersection with Sunny Creek Ct. on approx. 2.24 ac. of land. Comp. Plan Rec: 2-3 du/ac. Tax Map 28-4 ((4)) 7 and 8. HUNTER MILL DISTRICT.
PUBLIC HEARING.

Lynne Strobel, Esquire, with Walsh, Colucci, Lubeley, Emrich and Terpak, PC, reaffirmed the affidavit dated March 24, 2003. There were no disclosures by Commission members.

Ms. Cathy Belgin, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Responding to a question from Commissioner Smyth concerning the number of requested waivers, Ms. Belgin said that staff felt that cluster development with pipestem lots, as opposed to a full public street, was preferable from an environmental standpoint.

Ms. Strobel stated that the applicant was requesting approval to rezone approximately 2.24 acres from the R-1 District to the R-3 Cluster District, and to develop it with five single family homes. She explained that although no specific Comprehensive Plan text existed for the property, it had long been designated for residential development at a density of 2-3 dwelling units per acre. She said when neighbors became aware that the owners of the property, Mr. and Mrs. Gerald Kainz, had contracted to sell it, a nomination to the Comprehensive Plan had been filed requesting that the property be limited to one dwelling unit per acre. She noted the Board of Supervisors approved the nomination in March 2002 with Plan text calling for two to three dwelling units per acre, with specific conditions regarding impervious surface and runoff to ensure that appropriate standards would be imposed to address drainage issues in the area. She explained that the applicant's initial submission proposed a conventional R-3 District with six lots and a public street, but upon discussions with staff and the community, the request had been revised to propose a cluster layout with five lots. She pointed out that although cluster development necessitated the approval of several waivers, it allowed a large average lot size and the preservation of a significant amount of open space with high quality trees. She noted that the average lot size of the proposed development exceeded the average lot size of the adjacent Foxstone development. She also said drainage had been addressed in detail and individual storm drains located on the lots would significantly reduce runoff. Since the application was in conformance with the recommendations of the Comprehensive Plan and had the recommendation of staff, she requested favorable consideration.

Ms. Strobel and Mr. Charles Dunlap, with Walter L. Phillips, Inc., responded to a question from Commissioner de la Fe about the proposed stormwater management plan.

Mr. Robert Ehinger, 1849 Foxstone Drive, Vienna, Foxstone Community Association, submitted for the record two petitions signed by residents of the surrounding communities opposing the proposed development due to concerns about stormwater runoff and other environmental issues. (A copy of the petitions is in the date file.)

Mr. Ehinger responded to a question from Commissioner de la Fe about the buffer and tree cover existing on the subject property.

Ms. Jean Okano, 1856 Foxstone Drive, Vienna, expressed concern about the environmental impact of the proposed development on streams and rivers.

Ms. Okano responded to a question from Commissioner de la Fe about factors contributing to the degradation of Foxstone stream.

Mr. James Goodnight, 1847 Foxstone Drive, Vienna, said the proposed density of the development was incompatible with the surrounding neighborhoods. He also expressed concern about stormwater runoff, and requested that the application be denied.

Commissioner Byers pointed out that the density of the proposed development was lower than the densities of surrounding development.

Mr. Michael Shiohama, 1845 Foxstone Drive, Vienna, expressed opposition to the application because it would have a negative affect on his property. He said he had the same concerns voiced by previous speakers.

Mr. Richard Monson, 1846 Foxstone Drive, Vienna, said he was opposed to the proposed development for the reasons stated by previous speakers.

Mr. Al Ulvog, 1858 Foxstone Drive, Vienna, said the sewer system did not have the capacity to serve the proposed development.

In response to a question from Commissioner de la Fe, Mr. Ulvog said a blockage had caused his and a neighbor's sewer to back up. In response to a question from Commissioner Byers, Mr. Ulvog said that one-way valves had not been installed in the sewer pipes serving his neighborhood.

Ms. Martha Miles, 1843 Foxstone Drive, Vienna, said it was important to her that the investment she had in her house be protected.

Mr. Victor Tyler, 1805 Sunny Creek, Vienna, said he had observed the erosion of the banks of the Wolftrap Valley Stream Park due to water runoff, and said that the property was better suited for three houses rather than five.

Mr. Gerald Kainz, 370 Ocean Oaks Drive, Indialantic, Florida, indicated that he had owned the subject property since 1963. He said during that time he had seen the area develop and had never complained, and requested that he be treated the same as other property owners had been treated.

Mr. Jerold Jerenkuff, 1841 Foxstone Drive, Vienna, said with proper design, the property could accommodate five homes and the drainage problems could be addressed satisfactorily.

There were no further speakers; therefore, Chairman Murphy called upon Ms. Strobel for a rebuttal statement.

Ms. Strobel stated that many trees would be preserved in their natural state on Outlot A, as recommended by the Urban Forester. She pointed out that the density of development along Sunny Creek Court, zoned R-3, was 2.24 dwelling units per acre, compared to the 2.23 dwelling units per acre proposed for the application property. She noted that a representative from the Fairfax County Wastewater Management Division told the Hunter Mill Land Use Committee that the proposed development would not impact the area with the existing sewer problem. Addressing stormwater management concerns, she noted that the Environmental and Facilities Review Analysis contained in the staff report stated that: "...the pond capacity and design is adequate and of a realistic size and design for the proposed development." Additionally, she said staff concluded in their Stormwater Planning Analysis that: "There were no downstream complaints on file relevant to this proposed development, and no downstream deficiencies are identified in the Fairfax County Master Drainage Plan." She said again that all issues had been satisfactorily addressed and the application had a favorable staff recommendation.

Responding to a question from Commissioner Byers, Mr. Dunlap explained how runoff during the construction phase of the development would be controlled.

Commissioner de la Fe noted that one of the two petitions entered into the record by Mr. Ehinger referenced a long history of problems the area had experienced with the existing infrastructure, and pointed out that the subject application could not be expected to solve those problems. He said these deficiencies had been brought to the attention of appropriate County officials.

There were no further comments or questions from the Commission and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner de la Fe for action on these matters. (A verbatim excerpt is in the date file.)

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ON RZ-2002-HM-041 TO MAY 21, 2003 WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Hall, Harsel and Koch absent from the meeting.

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ZONING ORDINANCE AMENDMENT (OUTDOOR LIGHTING STANDARDS) - To amend to Chapter 112 of the Zoning Ordinance as follows: Comprehensive revision to replace the existing glare standards with several new outdoor lighting standards, which may include, among other things, limitations on lighting within parking structures, and the addition of a new \$500 application fee for photometric plans or sports illumination plans when such plans are not

ZONING ORDINANCE AMENDMENT
(OUTDOOR LIGHTING STANDARDS)

May 1, 2003

submitted as part of a required site plan submission. PUBLIC HEARING.

Commissioner Wilson announced that she would be deferring a decision on this matter after the close of the public hearing to June 11, 2003.

Mr. Jack Reale, Zoning Administration Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the proposed amendment.

Responding to a question from Chairman Murphy, Mr. Reale said some complaints about outdoor lighting had been received over the years, and that concerns had also been raised when it became known that the County was considering revising outdoor lighting standards. He said in the past outdoor lighting had been addressed on a case-by-case basis in development conditions and that an amended Ordinance would provide resolution of some of the issues raised.

Commissioner Smyth commented that an emphasis on mixed-use development and structured parking in multi-family development necessitated a review of outdoor lighting standards.

In response to a question from Commissioner de la Fe, Mr. Reale said the number in bold type on Table IV represented the footcandle illumination recommended by staff within the recommended range.

Commissioner DuBois noted that lighting was an issue in the pending McLean Bible Church application in the Dranesville District.

Commissioner Wilson commented that subsequent to the publication of the staff report, many new ideas had come forth for outdoor lighting standards.

Chairman Murphy called the first listed speaker.

Mr. William Burton, 2034 Golf Course Drive, Reston, Chairman, Hunter Mill District Outdoor Lighting Task Force, expressed support for the proposed amendment, saying it would constitute a significant first step toward implementing high-quality lighting in Fairfax County. He suggested several revisions to the amendment concerning lighting in above-ground parking structures; the lumen limit on single family attached homes; the exemption of county, state and federal agencies from compliance with the Ordinance; and a curfew for commercial outdoor lighting, as outlined in his remarks. (A copy of his remarks is in the date file.)

Chairman Murphy commented that he did not think the County had authority to impose lighting standards on state and federal buildings.

Commissioner Wilson noted that the Zoning Ordinance could not address street lighting required by the Virginia Department of Transportation (VDOT).

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Responding to a question from Commissioner Wilson, Mr. Reale said that the County agencies would not be exempt from the Zoning Ordinance amendment.

Mr. Bob Parks, 3612 Lakota Road, Alexandria, Virginia Outdoor Lighting Task Force, said that new VDOT standards called for the use of fully shielded lighting on most residential street lighting. He explained that the Task Force worked with local government and the public to provide technical information related to responsible outdoor lighting which should eliminate glare, reduce light trespass, and increase energy efficiency. He commended staff for their willingness to study this technically complex issue and said they had produced a comprehensive ordinance containing these elements: shielding for most fixtures; reducing glare and light trespass, reducing unnecessary lighting, and eliminating over lighting for commercial advantage. (A copy of his remarks is in the date file.)

Mr. Donald Baynes, 8301 Harland Drive, Springfield, requested that the new Ordinance contain a provision requiring that existing outdoor lighting on Fairfax County owned property, with particular emphasis on schools, meet the proposed outdoor lighting standards within 12 months of the adoption of the Ordinance. He explained that he lived across the street from the Rolling Valley Elementary School and the lighting of the school was intrusive. (A copy of his remarks is in the date file.)

Responding to a question from Chairman Murphy, Mr. Baynes said the lighting of the school was intrusive both before and after its renovation.

Mr. Frank Crandall, 900 Turkey Run Road, McLean, Environmental Quality Advisory Council, expressed support for the proposed ordinance. He said consideration should be given to ensuring that light glare was not visible from immediately adjacent public roadways because it was a safety hazard, and to using motion lighting which had been proven more effective in deterring crime than continually burning lights.

Ms. Amy Tozzi, 1800 Old Meadow Road, Unit 1501, McLean, representing the Regency and Encore at McLean, expressed concern that the proposed Ordinance did not address lighting from buildings under construction, in the build-out stage, or final occupancy lighting, and urged that footcandle requirements for buildings under construction be reduced. She cited the lighting of the Capital One building, both before and after occupancy, as a prime example of a neighborhood irritant at night with unshaded ceiling florescent lights on all floors emitting glare. She said the residents of communities located in mixed-use development in the Tysons Corner area were very concerned that their quality of life would continue to be diminished if lighting issues were not adequately addressed. (A copy of her remarks is in the date file.)

Commissioner Wilson pointed out that an exemption needed to be included in the new Ordinance which would allow builders to meet Occupational Health and Safety Administration (OSHA) lighting standards because the County Ordinance could not supersede federal and state regulations.

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(OUTDOOR LIGHTING STANDARDS)

May 1, 2003

Mr. Frank Ojeda, 5280 Chandley Farm Circle, Centreville, Rock Hill Civic Association, recommended that language be included in the new Ordinance which excluded the exemption of light pole height restrictions for all applications except outdoor sports facilities. (A copy of his remarks is in the date file.)

Mr. Christopher Walker, Walker and Company, urged that the amended Ordinance be adopted as quickly as possible. He said the night had a quiet and fragile beauty which deserved to be protected and respected, and if such an Ordinance had been in place twenty years ago, visibility and appearance of the County would be much better today. He said the proposed Ordinance was better than 95 percent of the ordinances in effect throughout the country.

Mr. Thomas D. Fluery, Vice President, Development Services, West*Group, requested that leeway be allowed in the replacement of bulbs because older fixtures required bulbs that were often no longer available; that businesses which operated on a 24-hour basis be exempt from reducing lighting levels within 30 minutes of closing time; and that the definition of above-grade parking structures be modified to address shielding of lighting fixtures in exterior vertical stairways if requirements for illumination cannot be met. He said that Paragraph 2.H of the proposed Ordinance should provide an appeal, waiver, or mediation process when federal or state life safety regulations were in conflict with the glare standard as currently proposed for buildings under construction. (A copy of his remarks is in the date file.)

Mr. Bob Flynn Esquire, on behalf of the Northern Virginia Chapter, National Association of Industrial Office Properties, expressed an objection to the provision in the proposed Ordinance regulating construction lighting, which was in conflict with OSHA standards, specifically the requirement to shield light bulbs. He said buildings under construction were strung with hundreds of bulbs and if they were required to be shielded, it would have a serious impact on the effectiveness of the lighting for safety purposes.

Commissioner Smyth commented that she did not think staff's intention was to require the shielding of each individual light bulb. She said plastic sheathing on the exterior of the building could be used so that the lighting did not project outward. Mr. Flynn said sheathing would not be feasible during stormy weather.

Mr. Greg Terry, on behalf of Associated Builders and Contractors, suggested that shielded yellow exterior lights be used on exteriors of buildings. He said it would be very costly to shield interior lights, but frosted bulbs could be used. He also said curfews at egress points and motion detectors would also offer a solution to light pollution.

In response to a question from Commissioner Wilson, Mr. Terry said the bulbs on the strung lights were frequently broken, but the plastic baskets would last about 90 days. Responding to another question from Commissioner Wilson, Mr. Terry added that shielded lighting would be very difficult to provide, but that he would explore this matter with electrical contractors.

ZONING ORDINANCE AMENDMENT
(OUTDOOR LIGHTING STANDARDS)

May 1, 2003

There were no further speakers. The Commission had no further comments or questions and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Wilson for action on this item. (A verbatim transcript is in the date file.)

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Commissioner Wilson MOVED THAT THE DECISION ONLY ON THE ZONING ORDINANCE AMENDMENT FOR OUTDOOR LIGHTING STANDARDS BE DEFERRED TO A DATE CERTAIN OF JUNE 11, 2003, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

The Commission as a whole seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Hall, Harsel and Koch absent from the meeting.

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The meeting was adjourned at 12:46 a.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Linda B. Rodeffer

Approved on: March 31, 2005

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission